

REMARKS

Examiner has maintained his rejection of Claims 1, 3-4 and 6-21. Specifically, Examiner points to a statement in *Knuth et al* (5,406,618) that "the user can verbally, by voice command, tell the telephone answering device to play, repeat, save or erase the incoming messages, without ever touching or even looking at the telephone answering machine," and references a scenario described in Column 4 of *Knuth et al* ('618), wherein a user answers a series of binary questions regarding the messages. Applicant respectfully points out that this is exactly where the inventions differ. That is, in response to Examiner's rejections, and to further clarify Applicant's invention, Applicant has amended the Claims 1 to more succinctly claim and distinguish Applicant's device, and respectfully traverses Examiner's rejections.

The *Knuth et al* ('618) device issues a pre-determined series of inquiries, or logical decision tree, each inquiry awaiting a YES or NO answer, or some other responsive utterance preset to be equivalent thereto. Thus, the device controls the entire interaction by dictating what options are available, one at a time, in a particular sequence. The user must simply continue to answer NO until the particular function that is desired is offered by the device.

Applicant's device does NOT proceed with a pre-determined series of binary inquiries. Applicant's device does NOT control the human/machine interaction. The user is in complete control, wherein the audible commands are not responsive to an inquiry, but are direct, unsolicited orders. This is not only time saving, but prevents unwanted or unnecessary interaction with the device at inopportune times.

For example, the *Knuth et al* ('618) device is described as first asking, "Shall I play your messages?" If the user replies "No," as described in Column 4, lines 11-14, the machine "is routed to idle mode" and the announcement will be repeated at specific intervals until a "Yes" is received. It is clear that no options for message handling are available at the discretion of the user other than to listen to his messages first, and then proceed to the next inquiry.

This is NOT the scenario for Applicant's device. A user of Applicant's device can elect to erase all messages without listening to any. A user of Applicant's device can forward a message with no pre-occurring message related activity. A user of Applicant's device IS IN CONTROL OF THE DEVICE. As previously noted by Applicant, this distinction is noteworthy because the novel speech/conversational intelligence of Applicant's device enables more efficient, personalized and dynamic utilization by each user during each interaction.

Specifically, with respect to Independent Claim 1, Applicant has clarified, by amendment, that the user is in direct verbal control of the device and of the order in which each message-related task objective is performed thereby. Applicant has further amended Claim 6 to properly depend from Claim 1, and has presented amendments to Claims 7 and 9 to enable continued dependence from Claim 1, as amended.

With respect to Independent Claim 21, Applicant has clarified, by amendment, again that the verbal control of the device is directly in the hands of the user, wherein the user can effectively command the performance of any task objective, as desired, related to the message.

Lastly, Applicant has added new Claim 22, wherein the specific grammatical form of Applicant's commands is recited, namely verb form. This claim is clearly distinguished from the merely responsive "yes or no commands" of the cited references. Thus, because the references do not set forth "each and every element" of Applicant's device, as is required in order for a reference to anticipate a claim, *Verdeaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); see also, *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) ("The identical invention must be shown in as

complete detail as is contained in the claim."), Applicant respectfully asserts that the remaining Claims, as amended, are in condition for allowance.

CONCLUSION

The above amendments to the claims are corrections to form and thus, no new matter was added. In light of the above-amended claims, Applicant respectfully believes that Independent Claims 1 and 21, and all remaining Claims depending therefrom are now allowable and that new Claim 22 is in position for allowance. Should there be any questions or concerns, the Examiner is invited to telephone Applicant's undersigned attorney.

Respectfully submitted, this 23rd day of December, 2004.



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